



U.S. Fish & Wildlife Service

September 28, 2017

Exhibit 5

Ecological Services Program Update

Montana Legislature: Environmental Quality Council

September 28, 2017

Who we are/What we do...

- Department of Interior Bureau, sister bureau to NPS, BLM
- Other USFWS Programs in MT (NWR, PFW, NFH, FTC, FWCO, OLE)
- Oversight and evaluation of federally funded, licensed or permitted projects to insure compliance with:
 - Endangered Species Act,
 - Fish and Wildlife Coordination Act,
 - Migratory Bird Treaty Act and conservation of their habitats,
 - National Environmental Policy Act, and
 - Section 404 permit evaluations under the Clean Water Act
- Provide expertise on a wide array of environmental contaminant issues that affect fish and wildlife resources
- Conservation of fish and wildlife and other trust resources through collaboration with, and financial support to, our partners

Greater Sage Grouse (GSG)

- Determined not warranted for listing –September 2015
- In MT, State and BLM work as co-leads managing the species, its habitat and ongoing issues
- Service works closely with partners
 - Mitigation Plan and Habitat Quantification Tool
 - MSGOT
 - GSG Secretarial Order
- Recently developed a Statewide Candidate Conservation Agreement with Assurances (CCAA)
 - In collaboration with our Partners Program and existing Private Landowners Agreements process
 - Five species covered including GSG: Baird's sparrow, chestnut-collared longspur, McCown's longspur, and Sprague's pipit
 - Draft CCAA and Environmental Assessment are now available for a 30-day public review and comment period ending October 25, 2017
 - See attached News Release

Species Currently Under Review in MT

- Northern Rocky Mtn Fisher
 - Petitioned in September 2013, Substantial finding January 2016
 - Completing Status Review
 - Conducted stakeholder meetings as part of process
 - Decision Fall 2017
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- North American Wolverine
 - Found not warranted for listing in 2015
 - Court finding ordered remand (reconsideration) of our decision in 2016
 - Currently completing status review
 - Draft report out to Peer Reviewers and State, Federal and Tribal partners in October
 - Decision expected 2018
- United States Distinct Population Segment of the Canada Lynx
 - Completing status review and conducting a 5-year review
 - Conducted expert elicitation workshop in October 2015
 - Completed Peer and State and Federal Review earlier this year
 - Reviewed by the wildlife and natural resource agencies of 15 states within the DPS range (Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming)
 - There are 3 possible recommendations that could come from the 5-year review: (1) the lynx DPS remains threatened, (2) it is to be uplisted to endangered, or (3) it no longer warrants listing.
 - Intend to complete the final Status review and the 5-year review as soon as possible.

Consultations of Interest in MT

- Lynx critical habitat consultation. Also known as Cottonwood or the Northern Rocky Mtns Lynx Amendment consultation
 - Worked closely with the FS to get products necessary to complete consultation
 - Consultation is currently in its final stages. Draft document went to FS for review late last week
 - Expect final document mid-October.
- HECLA project consultations: Rock Creek and Montanore Mines
 - These proposed copper and silver mines have been in various stages of planning, permitting, litigation, and Court remand for decades.
 - Involve high levels of controversy; with development and economic interests wanting final resolution and approval, and environmental interests seeking to block development.
 - The Forest Service is the lead agency responsible for issuing permits on these projects
 - We work closely with the FS to determine workload throughout MT (7 National Forests)
 - Rock Creek project consultation is expected to complete Service review in Late October
 - Montanore project consultation is expected to be completed in 2018

Conservation Planning

- Montana Department of Natural Resources and Conservation (DNRC) DNRC Habitat Conservation Plan (HCP)
 - In 2011, Service issued a permit for forest management activities under the DNRC in order to provide Endangered Species Act incidental take coverage of five species.
 - Original permit covered about 548,500 acres of forested State trust lands in western Montana
 - In response to an application from DNRC, we are proposing to issue an amended permit to cover an additional 81,416 acres that DNRC is proposing to add to the DNRC HCP

- The HCP and associated environmental review documents were made available earlier this month to the public and are currently out for review.
- As of August 29, 2017, the Service is now seeking public comment on the DNRC application to amend their permit related to (see News Release):
 - Add 81,416 acres of recently-acquired land to their existing HCP
 - To incorporate terms of a 2015 settlement agreement regarding grizzly bear habitat management into the HCP
- Pallid Sturgeon Fish Health Assessment Training
 - Earlier this summer, USFWS & US Geological Services staff from MT, ND & SD partnered with Montana FWP, and ND Game and Fish, to conduct training for oil spill fish health assessments in Williston, ND.
 - Participants gained hands-on experience in conducting quantitative fish health assessments, collecting blood and tissue samples from fish, and the proper methods in preserving samples.
 - Baseline fish health data for the endangered pallid sturgeon and the shovelnose sturgeon were collected from 3 locations within the Missouri and Yellowstone Rivers.
 - Training provided biologists with additional tools to assess the effects of crude oil spill impacts on fish health and the baseline data collected will provide a point of comparison in the event of a future spill.
 - Trained staff are now more prepared to make response decisions, monitor impacts to these species, and quantify natural resource injury for Natural Resource Damage Assessments.